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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

DANIELS, ANTHONY J

ART UNIT PAPER NUMBER

2622

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,694

Applicant(s)

ZIEMKOWSKI, THEODORE B.

Examiner

Anthony J. Daniels

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-17 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 21-23 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-16 and 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/15/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed 3/15/2006 have been fully considered but they are not persuasive.

In regard to applicant's arguments filed on 3/15/2006, the examiner respectfully disagrees.

Firstly, applicant requests that the rejection of claim 1 be withdrawn, because, "...neither Oie nor Niikawa teach or suggest "simultaneously display[ing] on a display screen [of a second camera device] the captured image transmitted from the first device and a pointer for pointing to or indicating a portion of said captured image, wherein the first device controls movement of the pointer..." as is required by claim 1..." In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Secondly, applicant states, "...there is no motivation or suggestion to combine Oie with Niikawa. Oie is directed to a method for communication between two cameras. In contrast, Niikawa is directed to a camera that can connect to a network comprising a plurality of computers. Connecting a camera to a network is completely different than connecting a camera to another camera. Because Niikawa discloses only connecting a camera to a network, and not to another camera, Niikawa does not provide any suggestion to modify the system of Oie..." To start, Niikawa explicitly teaches a communication I/F on the camera which is an interface based on the USB standard for externally connecting the PC (see Niikawa, Col. 6, Lines 22-25); thus, showing the camera is not connected to the network. Further, the examiner points again to the decisions in the paragraphs above. In the combination, the cameras connected in Oie will be those in the pointer overlay system in Niikawa.

Examiner believes that all arguments have been addressed.

Claim Objections

3. Claim 17 is objected to because of the following informalities: In the claim, line 17 states "pointer overlay". An article (the, a or said) should precede "pointer overlay". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2622

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,4-6,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oie (US # 6,188,431) in view of Niikawa (US # 6,947,075).

As to claim 1, Oie teaches a digital image capturing system (Figure 3), comprising: at least two digital image capturing devices, including a first digital image capturing device and a second digital image capturing device (Figure 3, electronic still camera “1a” and electronic still camera “1b”); and a bi-directional link cable connecting said at least two digital image capturing devices (Figure 3, cable “69”; Col. 5, Lines 64-67; Col. 6, Lines 1-3); wherein said at least two digital image capturing devices are capable of sharing data items over said bi-directional link cable (Col. 4, Lines 58-61; Col. 6, Lines 7-16), the sharing of said data items comprises sharing images captured by one of the at least two digital image capturing devices over said cable (Col. 5, Lines 53-63), and the first digital image capturing device is configured to transmit to the second digital image capturing device an image captured by the first device (Col. 6, Lines 7-21), wherein the second device displays on a display screen the captured image transmitted from the first device (Figure 5; Col. 6, Lines 32-37). The claim differs from Oie in that it further requires a pointer for pointing to or indicating a portion of said captured image, wherein the first device controls movement of the pointer within the display screen.

In the same field of endeavor, Niikawa teaches a digital camera connected to a PC via USB cable (Figure 4, communication I/F “213”, PC “1000”; Col. 6, Lines 22-25), wherein the digital camera includes a control device (Figure 2, trackball “TR”) for moving a cursor on the screen of the digital camera and also the cursor on the screen of the PC in a synchronized manner (Figure 7 and Figure 8; Col. 7, Lines 61-63; Col. 8, Lines 14-17). In light of the teaching of

Art Unit: 2622

Niikawa, it would have been obvious to one of ordinary skill in the art to include the control device of Niikawa in the cameras of Oie, because an artisan of ordinary skill in the art would recognize that this would make it possible for the user not only to move the mouse cursor but to operate the slave camera by operating the switch of the digital camera (see Niikawa, Col. 8, Lines 20-25).

As to claim 4, Oie, as modified by Niikawa, teaches the device of claim 1, wherein the sharing of said data items comprises sharing image information (see Oie, Col. 4, Lines 16-19).

As to claim 5, Oie, as modified by Niikawa, et al. fails to teach the bidirectional link cable comprising an audio/visual (A/V) cable. **Official Notice** is taken that audio/visual (A/V) cables are well known and expected in the art. It would have been obvious to an artisan of ordinary skill in the art to include an audio/visual (A/V) cable as a bidirectional link cable in Oie, because these cables are space efficient, as pertains to the manufacturing of the port to which it is connected, and can be used to transmit data of high fidelity over several meters.

As to claim 6, Oie fails to teach the bidirectional link cable comprising a universal serial bus (USB) cable. **Official Notice** is taken that universal serial bus (USB) cables are well known and expected in the art. It would have been obvious to an artisan of ordinary skill in the art to include a universal serial bus (USB) cable as a bidirectional link cable in Oie, because these cables offers high-speed transmission of data, and are compatible with many other digital products.

As applicant has failed to traverse the above old and well known statements of claims 5 and 6, the USB and audio/visual cables are now considered admitted prior art. See MPEP 2144.03 (c).

As to claim 8, Oie, as modified by Niikawa, teaches the device of claim 1, wherein a digital image capturing device of said at least two digital image capturing devices operates as a pseudo host (see Oie, (a) Transmission process and (b) Receiving Process; *{Pseudo host is interpreted in light of the specification, [0019], Lines 1,2.}*).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oie (see Patent Number above) in view of Niikawa (see Patent Number above) and further in view of Kiyokawa (US # 6,204,877).

As to claim 2, Oie, as modified by Niikawa, teaches the device of claim 1, wherein the sharing of said data items comprises transmitting images from a first of at least two digital image capturing devices to a second of at least two digital image capturing devices (Col. 6, Lines 17-19), wherein the images are transmitted over the bi-directional cable that connects the first digital image capturing device to the second digital image capturing device (Figure 3, cable “69”; Col. 6, Lines 21-25). The claim differs from Oie, as modified by Niikawa, in that it further requires that the images be real –time views.

In the same field of endeavor, Kiyokawa teaches a transfer from one electronic still camera to another electronic still camera a real-time image view (Figure 1; Col. 2, Lines 13-18; “...transmitting *upon* photoelectric conversion...”). In light of the teaching of Kiyokawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Oie, as modified by Niikawa, to include real time transmission of the image data, as taught by Kiyokawa, because an artisan of ordinary skill in the art would recognize that real time transmission of image data allows users of the system to view a

Art Unit: 2622

particular scene, in real time, even if they are not physically in the vicinity or witnessing the scene.

6. Claims 7,9,10,12-16,24,26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oie (see Patent Number above) in view of Watanbe (US 20020196197) and further in view of Niikawa (see Patent Number above).

As to claim 7, Oie, as modified by Niikawa, teaches the device of claim 1, with a digital image capturing device of said at least two digital image capturing devices further comprising: an input/output (I/O) port (Figure 3, Figure 2, I/O port “45”) capable of connecting to said bi-directional link cable (Col. 3, Lines 45-48); a processor (Figure 2, CPU “39”) communicating with said I/O port (Col. 4, Lines 28-32; Col. 6, Lines 21-25); and a memory (Figure 2, flash memory “35” and ROM “41”) communicating with said processor (Col. 6, Lines 21,22) and including an image storage (Col. 6, Line 21, “...image data stored in flash memory...”, an image receive driver, and an image transmit driver (Col. 4, Lines 25-32); determines if said digital image capturing device is a master or a slave (Col. 6, Lines 3-6), and shares said data items over said bi-directional link cable (Col. 6, Lines 21-25). The claim differs from Oie, as modified by Niikawa, in that it further requires that said processor determines if said I/O port is connected to said bi-directional link cable.

In the same field of endeavor, Watanabe teaches connection detection means for detecting a connection state between a 1394 serial bus and a digital video camera (see [0231], Lines 1-6). In light of the teaching of Watanabe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the connection detection means of

Art Unit: 2622

Watanabe in the system of Oie, as modified by Niikawa, because an artisan of ordinary skill in the art would recognize that this connection detection means would help prevent transfer without connection and ensure successful transfers.

As to claim 9, Oie teaches a first digital image capturing device (Figure 1, Figure 2), comprising: an input/output (I/O) port (Figure 2, I/O port “45”) capable of connecting to a bi-directional link cable (Figure 2, I/O port “45”, communication channel “47”; Figure 3, cable “69”); a processor (Figure 2, CPU “39”) communicating with said I/O port (Col. 4, Lines 28-32; Col. 6, Lines 21-25); and a memory (Figure 2, flash memory “35” and ROM “41”) communicating with said processor (Col. 6, Lines 21,22) and including an image storage (Col. 6, Line 21, “...image data stored in flash memory...”, an image receive driver, and an image transmit driver (Col. 4, Lines 25-32); said processor is configured to determine if said first digital image capturing device is a master or a slave (Col. 6, Lines 3-6), and share said data items over said bi-directional link cable (Col. 6, Lines 21-25), and displaying an image on a display screen of a second digital image capturing device (Figure 5, E2; Col. 6, Lines 32-37), wherein the said displayed image was captured by the first digital image capturing device and subsequently transferred to the second device (Col. 6, Lines 7-21). The claim differs from Oie in that it further requires that said processor is configured to determine if said I/O port is connected to said bi-directional link cable, and it also requires that the data items include data for controlling the movement of a pointer overlaying the image displayed on the screen of the second digital image capturing device.

In the same field of endeavor, Watanabe teaches connection detection means for detecting a connection state between a 1394 serial bus and a digital video camera (see [0231],

Art Unit: 2622

Lines 1-6). In light of the teaching of Watanabe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the connection detection means in the method of in the system of Oie, because an artisan of ordinary skill in the art would recognize that this connection detection means would help prevent transfer without connection and ensure successful transfers.

In the same field of endeavor, Niikawa teaches a digital camera connected to a PC via USB cable (Figure 4, communication I/F “213”, PC “1000”; Col. 6, Lines 22-25), wherein the digital camera includes a control device (Figure 2, trackball “TR”) for moving a cursor on the screen of the digital camera and also the cursor on the screen of the PC in a synchronized manner (Figure 7 and Figure 8; Col. 7, Lines 61-63; Col. 8, Lines 14-17). In light of the teaching of Niikawa, it would have been obvious to one of ordinary skill in the art to include the control device of Niikawa in the cameras of Oie, because an artisan of ordinary skill in the art would recognize that this would make it possible for the user not only to move the mouse cursor but to operate the slave camera by operating the switch of the digital camera (see Niikawa, Col. 8, Lines 20-25).

As to claim 10, Oie, as modified by Watanbe and Niikawa, teaches the device of claim 9, wherein the sharing of said data items comprises transmitting and receiving data items (see Oie, Col. 5, Lines 64-67; Col. 6, Lines 1-3).

As to claim 12, Oie, as modified by Watanbe and Niikawa, teaches the device of claim 9, wherein the sharing of said data items comprises sharing images (see Oie, Col. 6, Lines 17-19; Col. 7, Lines 4-14).

As to claim 13, Oie, as modified by Watanbe and Niikawa, teaches the device of claim 9, wherein the sharing of said data items comprises sharing image information (see Oie, Col. 4, Lines 16-20).

As to claim 14, Oie, as modified by Watanabe and Niikawa, fails to teach the bidirectional link cable comprising an audio/visual (A/V) cable. **Official Notice** is taken that audio/visual (A/V) cables are well known and expected in the art. It would have been obvious to an artisan of ordinary skill in the art to include an audio/visual (A/V) cable as a bidirectional link cable in Oie, as modified by Watanabe and Niikawa, because these cables are space efficient, as pertains to the manufacturing of the port to which it is connected, and can be used to transmit data of high fidelity over several meters.

As to claim 15, Oie, as modified by Watanabe and Niikawa, fails to teach the bidirectional link cable comprising a universal serial bus (USB) cable. **Official Notice** is taken that universal serial bus (USB) cables are well known and expected in the art. It would have been obvious to an artisan of ordinary skill in the art to include a universal serial bus (USB) cable as a bidirectional link cable in Oie, as modified by Watanbe and Niikawa, because these cables offers high-speed transmission of data, and are compatible with many other digital products.

As applicant has failed to traverse the above old and well known statements of claims 14 and 15, the USB and audio/visual cables are now considered admitted prior art. See MPEP 2144.03 (c).

As to claim 16, Oie, as modified by Watanbe and Niikawa, teaches the device of claim 9, wherein said digital image capturing device operates as a pseudo host (see Oie, (a) Transmission Process and (b) Receiving Process; *{Pseudo host is interpreted in light of the specification,*

[0019], Lines 1,2. It is inherent that the either camera can be established as the pseudo host by pressing the shutter key.}).

As to claim 24, Oie teaches a method of linking a first digital image capturing device to one or more other digital image capturing devices, comprising the steps of: accepting a master or slave input that determines whether said digital image capturing device is a master or a slave (Col. 5, Lines 64-67; Col. 6, Lines 1-6); accepting input that selects an image to be sent to a connected slave digital image capturing device from said first digital image capturing device if said digital image capturing device is a master (Col. 5, Lines 53-64; Col. 6, Lines 17-19); transmitting said image to said connected slave digital image capturing device if said digital image capturing device is a master (Col. 6, Lines 17-19), wherein said slave device displays the image on a display screen (Figure 5, E2; Col. 6, Lines 32-37). The claim differs from Oie in that it further requires the step of detecting a connection of a bi-directional link cable in said digital image capturing device, and it also requires a pointer displayed on top of the image; and enabling the user to move the pointer within the display screen by manipulating a control on the first device.

In the same field of endeavor, Watanabe teaches connection detection means for detecting a connection state between a 1394 serial bus and a digital video camera (see [0231], Lines 1-6). In light of the teaching of Watanabe, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the step of detecting a connection of a bi-directional link cable in said digital image capturing device in the method of in the system of Oie, because an artisan of ordinary skill in the art would recognize that this connection detection means would help prevent transfer without connection and ensure successful transfers.

In the same field of endeavor, Niikawa teaches a digital camera connected to a PC via USB cable (Figure 4, communication I/F “213”, PC “1000”; Col. 6, Lines 22-25), wherein the digital camera includes a control device (Figure 2, trackball “TR”) for moving a cursor on the screen of the digital camera and also the cursor on the screen of the PC in a synchronized manner (Figure 7 and Figure 8; Col. 7, Lines 61-63; Col. 8, Lines 14-17). In light of the teaching of Niikawa, it would have been obvious to one of ordinary skill in the art to include the control device of Niikawa in the cameras of Oie, because an artisan of ordinary skill in the art would recognize that this would make it possible for the user not only to move the mouse cursor but to operate the slave camera by operating the switch of the digital camera (see Niikawa, Col. 8, Lines 20-25).

As to claim **26**, Oie, as modified by Watanbe and Niikawa, teaches the method of claim 24, wherein the first digital image capturing device and the second digital image capturing device share images (see Oie, Col. 5, Lines 53-64; Col. 6, Lines 17-19).

As to claim **27**, Oie, as modified by Watanbe and Niikawa, teaches the method of claim 24, wherein the first digital image capturing device and the second digital image capturing device share image information (see Oie, Col. 4, Lines 16-20; Col. 5, Lines 53-64; Col. 6, Lines 17-19).

As to claim **28**, Oie, as modified by Watanbe and Niikawa, teaches the method of claim 24, wherein a master digital image capturing device operates as a pseudo host (see Oie, (a) Transmission process and (b) Receiving Process; *{Pseudo host is interpreted in light of the specification, [0019], Lines 1,2. It is inherent that the either camera can be established as the pseudo host by pressing the shutter key.}*).

7. Claims 11,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oie (see Patent Number above) in view of Watanbe (see Patent Number above) in view of Niikawa (see Patent Number above) and further in view of Kiyokawa (see Patent Number above).

As to claim **11**, Oie, as modified by Watanbe and Niikawa, teaches the device of claim 9. The claim differs from Oie, as modified by Watanbe and Niikawa, in that it further requires that the sharing of said data items comprises sharing real time image views.

In the same field of endeavor, Kiyokawa teaches a transfer from one electronic still camera to another electronic still camera a real-time image view (Figure 1; Col. 2, Lines 13-18; "...transmitting *upon* photoelectric conversion..."). In light of the teaching of Kiyokawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Oie, as modified by Watanbe and Niikawa, to include real time transmission of the image data, as taught by Kiyokawa, because an artisan of ordinary skill in the art would recognize that real time transmission of image data allows users of the system to view a particular scene, in real time, even if they are not physically in the vicinity or witnessing the scene.

As to claim **25**, Oie, as modified by Watanbe and Niikawa, teaches the method of claim 24. The claim differs from Oie, as modified by Watanbe and Niikawa, in that it further requires that the first digital image capturing device and the second digital image capturing device share real time image views.

In the same field of endeavor, Kiyokawa teaches a transfer from one electronic still camera to another electronic still camera a real-time image view (Figure 1; Col. 2, Lines 13-18;

“...transmitting *upon* photoelectric conversion...”). In light of the teaching of Kiyokawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Oie, as modified by Watanbe and Niikawa, to include real time transmission of the image data, as taught by Kiyokawa, because an artisan of ordinary skill in the art would recognize that real time transmission of image data allows users of the system to view a particular scene, in real time, even if they are not physically in the vicinity or witnessing the scene.

Allowable Subject Matter

8. Claims 17 and 21-23 are allowed.

The following is an examiner’s statement of reasons for allowance: As to claim 17, the prior art does not teach or fairly suggest a method of linking a first digital image capturing device to one or more other digital image capturing devices comprising the step of: **while transmitting a real time image view** also transmitting to a second device from a first device a pointer overlay, wherein the pointer overlay and the real time view of the image are displayed simultaneously on a display screen of the second device such that the pointer overlay overlays the real time view of the image; and enabling a user to move the pointer within the display screen of the second device by manipulating a control on the first device in combination with the rest of the steps of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 2622

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Daniels whose telephone number is (571) 272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AD
5/23/2006


TUAN HO
PRIMARY EXAMINER